IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 2320 of 2005

Between:

Smt. D.S.Jyostna, W/o.D.N.Siva Prasad,
Occ: Proprietrix, Jaisheel Mills, Plot No.B11, Industrial Estate,
Madanapalle, Chittoor District.

.... PETITIONER

AND

1 The Commissioner, A.P. Industrial Infrastructure Corporation

Ltd., Parisrama Bhavan, VI floor, Fatehmaidan Road,

Hyderabad.

2 The Regional Manager, A.P.I.I.C.Limited, Industrial Estate

Settipalli, Renigunta Road, Tirupathi, Chittoor District.

3 The Assistant Zonal Manager & Commissioner,

A.P.I.I.C.Limited, I.A.L.A., Madanapalle, Chittoor District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of

Mandamus declaring the action of the respondents in collecting the property tax at exorbitant rates from the petitioner contrary to the rules framed under G.O.Ms. No.154, M.A., dated 8-4-2002 and G.O.Ms.No.167, M.A., dated 18-4-2002 issued by the Government of Andhra Pradesh, Municipal Administration and urban (TCI) Development Department as arbitrary, illegal and unconstitutional and consequently direct the respondents to collect property tax as per G.O.Ms.No.154, M.A., dated 8-4-2002 and G.O.Ms.No.167, M.A., dated 18-4-2002 issued by the Government of Andhra Pradesh, Municipal Administration and urban (TCI) Development Department and to pass such other order or orders as this Hon'ble court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.MD.SALEEM

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

The Court made the following :

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ORDER: ***(Per Hon'ble Sri Justice M.H.S.Ansari)***

A similar contention as has been raised in the instant writ petition and bassed whereon the relief claimed in the instant writ petition was considered by a Division Bench of this Court in **Municipal Rate Payers Association Vs. State of Andhra Pradesh**. Suffice it here to extract the relevant observation of the Division Bench. It reads as under:

> "During the course of hearing of these writ petitions, Sri Chalapathi Rao, learned counsel for some of the writ petitioners, stated that in view of the two G.Os. viz. G.O.Ms.No.154, dated 8.4.2002 and G.O.Ms.No.167, dated 18.4.2002 reasonably restricting the increase in the property tax, the respondents could be directed to

implement the orders, we think no further enquiry need be made by this Court on the question of abnormal increase in the property tax. We do not think this Court can look into each and every assessment relating to property taxes of all the Municipalities and examine the correctness or otherwise. The respondents have stated in the counters that due procedure has been followed. However, for individual grievances, remedies are provided under the Act, which could be availed of in such cases. Further, in the counters filed by the respondents, it has been categorically stated that the enhancement in the property tax would be restricted as per the two G.Os viz. G.O.Ms.No.154, dated 8.4.2002 and G.O.Ms.No.167, dated 18.4.2002. In view of those two Government Orders, we think the petitioners need not agitate that the increase of property tax is abnormal".

2. As can be noticed from the observations that for individual grievances like the one on hand, remedies are provided under the Act, which could be availed of. Petitioner without availing of such remedies has directly approached this Court by filing instant writ petition.

3. We accordingly are not inclined to entertain the instant writ petition, the same is dismissed without going into the merits of the contentions raised leaving all the questions open. No order as to costs.

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M.H.S.ANSARI, J

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T.CH.SURYA RAO, J

Dated: 22.02.2005

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To

1 The Commissioner, A.P. Industrial Infrastructure Corporation Ltd., Parisrama Bhavan, VI floor, Fatehmaidan Road, Hyderabad.

2 The Regional Manager, A.P.I.I.C.Limited, Industrial Estate Settipalli, Renigunta Road, Tirupathi, Chittoor District.

3 The Assistant Zonal Manager & Commissioner, A.P.I.I.C.Limited, I.A.L.A., Madanapalle, Chittoor District.

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